

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:09 cr 30**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>BILLY JOE LOSSIE,</b>	)	
	)	
<b>Defendant.</b>	)	
<hr style="width:40%; margin-left:0"/>	)	

THIS CAUSE came on to be heard before the undersigned upon a Violation Report (#56) alleging that Defendant had violated terms and conditions of his prehearing release. At the call of this matter on for hearing it appeared Defendant was present with his counsel, Attorney Stephen L. Cash, and the Government was present through Assistant United States Attorney, David Thorneloe. From the evidence offered and from the statements of the Assistant United States Attorney and the attorney for Defendant, and the records in this cause, the Court makes the following findings.

**Findings:** At the call of the matter, the Defendant, by and through his attorney, admitted the allegation contained in the Violation Report. In a Petition (#47) filed on November 14, 2014 it was alleged that Defendant had violated terms and conditions of his supervised release. The undersigned held an initial appearance

for Defendant on December 10, 2014 and then released Defendant on terms and conditions of pretrial release which included the following:

(8)(a) Defendant shall report to the Office of Probation and Pretrial Services to the extent and in the manner that that agency determines to be appropriate.

On April 20, 2015, United States District Judge Martin Reidinger entered a Judgment (#55) revoking Defendant's supervised release and ordering that he serve a term of imprisonment of one month. Judge Reidinger allowed Defendant to self-report and he was ordered to report to the Williamsburg, SC Penitentiary on June 12, 2015 and Defendant failed to report as directed.

**Discussion.** 18 U.S.C. § 3148(b)(1) provides as follows: The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer

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(1) finds that there is----

(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or

(B) clear and convincing evidence that the person has violated any other condition of release; and

(2) finds that ---

(A) based on the factors set forth in section 3142(g) of this title, there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or

(B) the person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person

committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community.

There has been shown by clear and convincing evidence Defendant violated the term and condition of release that directed he report to the United States Probation Office as directed. Defendant was ordered to report to the Williamsburg, SC Penitentiary on June 12, 2015 and Defendant failed to do so.

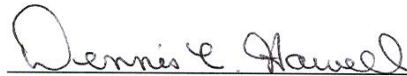
Due to the findings made above and considering the factors as set forth under 18 U.S.C. § 3142(g), it appears there are no condition or combination of conditions of release that will assure that Defendant will not pose a danger to the safety of any other person or the community. It is the opinion of the undersigned that based upon Defendant's actions, it is unlikely the Defendant will abide by any condition or combination of conditions of release.

As a result of the above referenced findings, the undersigned has determined to enter an order of revocation revoking the unsecured bond and the terms of pretrial release previously issued in this matter and entering an order directing that Defendant be delivered to the United States Marshal to be delivered to the Bureau of Prisons to serve his term of incarceration as ordered by United States District Judge Martin Reidinger.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the unsecured bond and terms and conditions of pretrial release entered in this matter are hereby **REVOKED** and it is **ORDERED** that Defendant be placed in the custody of the United States Marshal to be delivered to the Bureau of Prisons in accordance with the Judgment (#55) and revocation proceedings entered by United States District Judge Martin Reidinger.

Signed: June 25, 2015

A handwritten signature in cursive script, reading "Dennis L. Howell", written over a horizontal line.

Dennis L. Howell  
United States Magistrate Judge

